

MAY. 3. 2005 4:46PM 513 241 6234

NO. 0985 P. 1

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**PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION LAW  
AND RELATED LITIGATION**

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TRUMAN A. HERRON 1935-1976  
EDWARD B. EVANS 1936-1971

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**MAY 03 2005**

**TO:** The Honorable Commissioner                   **FROM:** David H. Brinkman  
Attention: Commissioner for Patents  
Art Unit 1761

Fax No.: (703) 872-9306                           Phone: (513) 241-2324

Date: May 3, 2005                                   Fax: (513) 421-7269

Pages (including cover page): 9

**Re:** U.S. Serial No. 09/800,792 COTTON CANDY MARKETING AND PACKAGING  
SYSTEM AND RELATED PRODUCT  
Attorney Docket No. GME-138

**ATTACHMENTS/COMMENTS: OFFICIAL**  
Notice of Appeal (4 pages) (In duplicate)

05/05/2005 CNGUYEN 00000037 233000 09800792

01 FC:2401 250.00 DA  
02 FC:2251 60.00 DA

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**CERTIFICATE OF FACSIMILE TRANSMISSION**

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to the Patent and Trademark Office centralized facsimile number (703)  
872-9306 on the date shown below.

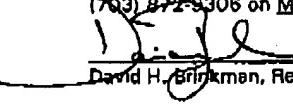
May 3, 2005

PAGE 1/9 \* RCVD AT 5/3/2005 4:45:21 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRF-1/0 \* DNIS:8729306 \* CSID:513 241 6234 \* DURATION (mm:ss):01:56

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**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence is being deposited via facsimile to The Honorable Commissioner in the United States Patent and Trademark Office, Attention: Commissioner for Patents whose centralized facsimile number is (703) 872-9306 on May 3, 2005.

 David H. Brinkman, Reg. No. 40.532

5/3/05  
Date

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MAY 03 2005

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: John C. Evans  
Serial No: 09/800,792  
Filing Date: March 7, 2001  
Art Unit: 1761  
Confirmation No.: 5511  
Examiner: Weinstein, Steven L.  
Title: COTTON CANDY MARKETING AND PACKAGING SYSTEM AND RELATED PRODUCT  
Atty Docket: GME-138

Cincinnati, Ohio

May 3, 2005

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF APPEALS (37 C.F.R. § 1.191)**

Applicant hereby appeals to the Board of Appeals from the last decision of the Examiner dated January 14, 2005 finally rejecting claims 1-43.

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The item(s) checked below are appropriate:

1. Status of Applicant

This application is on behalf of

- other than a small entity.  
 a small entity.

2. Fee for Filing Notice of Appeal

Pursuant to 37 C.F.R. § 1.17(b), the fee for filing the Notice of Appeal is:

- small entity \$250.00  
 other than a small entity \$500.00

Notice of Appeal fee due \$250.00

3. Extension of Term

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(a) X Applicants petition for an extension of time under 37 C.F.R. § 1.136 for the total number of months checked below:

Extension <u>(months)</u>	Fee for other than <u>small entity</u>	Fee for <u>small entity</u>
<u>X</u> one month	\$ 120.00	\$ 60.00
_____ two months	\$ 450.00	\$225.00
_____ three months	\$1,020.00	\$510.00
_____ four months	\$1,590.00	\$795.00

Fee \$60.00

\_\_\_\_ Attached is a check in the amount of \$ \_\_\_\_\_ for the \_\_\_\_\_ month extension fee as required by 37 C.F.R. § 1.17(c). If an additional extension of time is required, please consider this a petition therefor. (Check and complete the next item, if applicable)

An extension for \_\_\_\_\_ month has already been secured and the fee paid thereof of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$\_\_\_\_\_. Please charge Deposit Account No. 23-3000 in the amount of \$\_\_\_\_\_ for the \_\_\_\_\_ (\_\_\_\_\_) months extension fee as required by 37 C.F.R. §1.17(a)(3) for large entity status.

OR

(b) \_\_\_\_\_ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

4. Total Fee Due

The total fee due is:

Notice of Appeal fee	\$ 250.00
Extension fee (if any)	\$ <u>60.00</u>

Total Fee due \$310.00

5. Fee Payment

Attached is a check is the sum of \$\_\_\_\_\_.

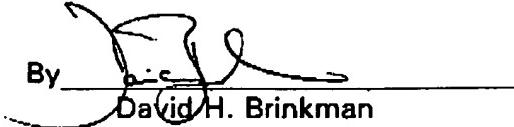
The Commissioner is hereby authorized to charge the amount of \$310.00 for the appeal fee and the one month extension of time fee to Deposit Account No. 23-3000. A duplicate of this Notice is attached.

6. Fee Deficiency

Charge any additional fee required or credit any overpayment to Deposit Account No. 23-3000. A duplicate of this Notice is attached.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By   
David H. Brinkman  
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